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OFFICE OF PETITIONS

In re Application of :
Bogdanove, et al. : LETTER REGARDING PTA
Application No. 09/596,784 :
Filed: June 19, 2000 :
Atty. Dkt. No. 19603/3296 :
(CRF D-2098B) :

The above-identified application file has been referred to the Office of Patent Legal Administration for consideration of the "REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT," filed August 11, 2004. The Office thanks applicant for their good faith and candor in bringing this to our attention.

The correct Patent Term Adjustment at the time of the Determination of Patent Term Adjustment is 0 days.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance reflects an adjustment of 0 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request recalculation of the patent term adjustment of the instant application.

A review of the application history reveals that the initial patent term adjustment of 124 days is in error.

A delay of 116 days can be attributed to the Office under 37 CFR 1.703(a)(1). The delay began August 26, 2003, the day after the date that is four months after the date the request for continued examination ("RCE") under 37 CFR 1.114 was filed, and ended December 19, 2003, the date the non-final Office action was mailed in response to the RCE.

The delay of 116 days is reduced a total of 202 days for applicants' failure to engage in reasonable efforts to conclude

prosecution. A reduction of 105 days under 37 CFR 1.704(b) can be attributed to applicants. The delay began September 6, 2001, the day that is three months after the date the non-final Office action was mailed, and ended December 19, 2001, the date a response to the non-final Office action was filed. A further reduction of 97 days under 37 CFR 1.704(b) can be attributed to applicants. The delay began June 22, 2002, the date that is three months after the date final Office action was filed, and ended September 27, 2002, the date a notice of appeal was filed.

As applicant is advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application will be forwarded to the Publishing Branch for timely issuance of a patent.

Any inquiries regarding this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karin Ferriter
Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Officer of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation